

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA	)	
	)	No. 3:16-cr-20
v.	)	Judges Collier/Guyton
	)	
MARK HAZELWOOD, et al.	)	

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UNITED STATES' SUPPLEMENT TO ITS RESPONSE TO DEFENDANTS' MOTION IN  
LIMINE TO EXCLUDE TESTIMONY OF DARREN SEAY (R. 234)

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Pursuant to Local Rule 7.1(d), the United States respectfully submits this supplement to its response to Defendants' motion to exclude the testimony of Darren Seay that it filed on September 22, 2017. (R. 234, "the Government's Response.") The purpose of this supplement is to correct an erroneous statement in the Government's Response.

1. On pages 10 and 21 of the Government's Response, the government stated that Defendants had served no expert disclosures by May 12, 2017. (R. 234, at 10, 21.) On September 27, 2017, counsel for Defendants professionally reminded counsel for the government that Defendants had in fact provided to the government on May 12, 2017 the letter attached hereto as Exhibit 1 disclosing William L. Jennings. The government's omission of William L. Jennings was an oversight, and counsel for the government regret the error. Counsel for the government appreciate the opportunity extended by counsel for Defendants to correct this oversight before Defendants' filed their reply.

2. Furthermore, in consideration of this error, the government hereby advises the Court that it relies exclusively upon Rule 701 as the basis for the admission of Darren Seay's testimony based on the arguments set forth in the Government's Response. (R. 234 at 11-19.) In so doing, the government withdraws its alternative Rule 702-based argument set forth in the

Government's Response. (R. 234 at 19-21.) If the Court would like for the government to file an amended response with its Rule 702-based argument removed, it will do so.

3. Additionally, the government requests that Defendants' deadline to reply to the Government's Response begin to run from the date of the filing of this supplement, and the government will file a motion to extend defendants' time in which to reply accordingly.

Respectfully submitted,

NANCY STALLARD HARR  
UNITED STATES ATTORNEY

*s/Francis M. Hamilton III*

BY: \_\_\_\_\_

Francis M. Hamilton III  
David P. Lewen, Jr.  
Assistant United States Attorneys  
800 Market Street, Suite 211  
Knoxville, Tennessee 37902  
Telephone: (865) 545-4167

#### CERTIFICATE OF SERVICE

I hereby certify that on September 27, 2017, a copy of the foregoing **UNITED STATES' SUPPLEMENT TO ITS RESPONSE TO DEFENDANTS' MOTION IN LIMINE TO EXCLUDE TESTIMONY OF DARREN SEAY (R. 234)** was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail and e-mail. Parties may access this filing through the Court's electronic filing system.

*s/Francis M. Hamilton III*

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Francis M. Hamilton III  
David P. Lewen, Jr.  
Assistant United States Attorneys  
United States Attorney's Office  
800 Market Street, Suite 211  
Knoxville, Tennessee 37902  
Telephone: (856) 545-4167